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BLUETRITON BRANDS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION – RIVERSIDE

BLUETRITON BRANDS, INC.,

Plaintiff,

v.

UNITED STATES FOREST SERVICE,
et al.,

Defendants.

Case No. 2:24-cv-09720-JGB-DTB
Judge: Hon. Jesus G. Bernal

JOINT STATUS REPORT

Action Filed: August 6, 2024

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1 Plaintiff BlueTriton Brands, Inc. (BlueTriton), Defendants United States Forest
2 Service, et al. (USFS), and Plaintiff-Intervenor Yuhaaviatam of San Manuel Nation, a
3 federally recognized Indian tribe, also federally recognized as the San Manuel Band of
4 Mission Indians (Nation), submit the following joint status report:

5 BlueTriton filed this lawsuit to seek judicial review of the USFS's denial of
6 BlueTriton's application for a renewal of a special use permit that grants BlueTriton a
7 right-of-way for a pipeline and associated infrastructure for the transport of water
8 from Arrowhead Springs in Strawberry Canyon in the San Bernardino National
9 Forest. Simultaneous with this lawsuit, BlueTriton moved for a preliminary
10 injunction seeking to enjoin the USFS's permit denial. Thereafter, the Nation moved
11 to intervene to protect its interests in the continued delivery of water from Strawberry
12 Canyon by BlueTriton, and separately moved to enjoin the cessation of water
13 deliveries to the Nation and the dismantling of BlueTriton's infrastructure. The Court
14 held a hearing on BlueTriton's motion for preliminary injunction on January 13, 2025.
15 In a Minute Order the same day, the Court granted BlueTriton's motion for
16 preliminary injunction and stayed the case "until there is a final judgment on the
17 merits in [ongoing related proceedings in Fresno Superior Court]." *See* ECF No. 90
18 (filed Jan. 13, 2025). The Court also granted the Nation's Motion to Intervene, and
19 denied its separate injunction motion as moot. The Court requested the parties
20 provide a written status report to the Court every sixty days.

21 On March 12, 2025, the Fresno County Superior Court conducted a hearing in
22 BlueTriton Brands, Inc. v. Cal. Water Resources Control Board et al., 23CECG04292
23 (Fresno Super. Ct. Feb. 7, 2024), on (i) BlueTriton's motion for judgment on its first
24 cause of action, which concerns the State Water Board's permitting jurisdiction over
25 BlueTriton's water sources, and (ii) the State Water Board's motion for judgment on
26 BlueTriton's first and second causes of action, which concerns the substantiality of the
27 evidence supporting the State Water Board's order. On May 5, 2025, the court issued
28 a written decision granting BlueTriton's motion for judgment, finding the State Water

Board's order exceeded its jurisdiction. This decision addressed one of nine claims originally brought by BlueTriton. On or about June 26, 2025, the State Water Board filed a Notice of Appeal of the court's order in the Superior Court of California. A copy of the Notice of Appeal is attached hereto as Attachment 1. On July 16, 2025, BlueTriton filed a Protective Cross-Appeal in an abundance of caution. A copy of BlueTriton's Protective Cross-Appeal is attached here as Attachment 2. The parties are awaiting the preparation of the Reporter's Transcript on Appeal, after which briefing will occur pursuant to the August 22, 2025 Order regarding briefing, which is attached here as Attachment 3.

Dated: September 12, 2025

HUNTON ANDREWS KURTH LLP

By: /s/ Jason J. Kim
Jason J. Kim
Attorneys for Plaintiff
BLUETRITON BRANDS, INC.

Dated: September 12, 2025

US DEPARTMENT OF JUSTICE

By: /s/ Andrew A. Smith
Andrew A. Smith
Emma L. Hamilton
Attorneys for Defendants
UNITED STATES FOREST
SERVICE, *et al.*

Dated: September 12, 2025

SOMACH SIMMONS & DUNN, PC

By: /s/ Michael Daugherty
Michael Daugherty
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YUHA AVIATAM OF SAN
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ATTESTATION

I hereby attest that each of the other signatories concurs in the filing of this document.

Dated: September 12, 2025

By: /s/ Jason J. Kim
Jason Kim

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